



**State of Vermont  
Policy, Planning & Intermodal Development Division  
Policy, Planning and Research Bureau  
Development Review & Permitting Services Section**

One National Life Drive [phone] 802-828-2653  
Montpelier, VT 05633-5001 [fax] 802-828-2456  
[vtrans.vermont.gov](http://vtrans.vermont.gov) [ttd] 800-253-0191

*Agency of Transportation*

July 14, 2015

Stuart Hurd  
Town of Bennington  
205 South Street  
Bennington, VT 05201

Subject: Bennington, VT7A, L.S. 29+56 ~ 37+48 LT & RT  
Northside Drive Roundabout

Dear Mr. Hurd:

Your application for a permit to work within the State Highway right-of-way to provide continued maintenance of sidewalks within the VT7A right-of-way, maintain landscaping within the center island of the VT7A/Emma Street/Plaza Drive roundabout, and provide winter maintenance on Emma Street following the completed construction of the new Northside Drive Roundabout (VTrans Permit #38696) has been processed by this office and is enclosed.

This permit addresses landscaping within the roundabout and therefore satisfies the requirement for a "landscape maintenance agreement between the State of Vermont and the Town of Bennington", as conditioned in the BLS Bennington LC permit (VTrans permit #38696); a separate agreement for this item will not be required.

Please contact the District Transportation Office #1 at (802) 447-2790 if you have any questions regarding this permit and the ongoing maintenance responsibilities.

Sincerely,

Theresa C. Gilman  
Permitting Services Supervisor  
Permitting Services Section

Enclosures

Cc: District Transportation Office #1  
Dereck Woolridge, Cross Consulting Engineers  
Alan George, Alan B. George, Esq.  
Lee Burdman, BLS Bennington, LC  
Dan Monks, Town of Bennington  
Jim Sullivan, Bennington Regional Planning Commission  
Warren Foster, District Environmental Coordinator #8



### **SPECIAL CONDITIONS**

This permit is granted subject to the restrictions and conditions on the back of the permit, with particular attention given to the Special Conditions listed below. This permit pertains only to the authority exercised by the Vermont Agency of Transportation (Agency) under Vermont Statutes Annotated, Title 19, Section 1111, and does not relieve the Permit Holder from the requirements of otherwise applicable statutes, rules, regulations or ordinances (e.g., Act 250, zoning, etc.). The Permit Holder shall observe and comply with all Federal and State laws and local bylaws, ordinances, and regulations in any manner affecting the conduct of the work and the action or operation of those engaged in the work, including all orders or decrees as exist at present and those which may be enacted later by bodies or tribunals having jurisdiction or authority over the work, and the Permit Holder shall defend, indemnify, and save harmless the State and all its officers, agents, and employees against any claim or liability arising from or based on the violation of any such law, bylaws, ordinances, regulations, order, or decree, whether by the Permit Holder in person, by an employee of the Permit Holder, by a person or entity hired by the Permit Holder, or by a Subcontractor or supplier.

This permit is issued for the continuous ongoing maintenance activities associated with the sidewalk, landscaping and highway maintenance of adjacent town highways. The Agency reserves the right to terminate and/or amend the terms of this permit as deemed necessary.

**The Town of Bennington and/or their assignees shall be responsible for the maintenance of all new sidewalks constructed in the State right-of-way as part of the *Northside Drive Roundabout* (VT Route 7A) permit issued to BLS Bennington LC (VTrans Permit #38696) at L.S. 29+56 ~ 37+48 LT & RT and as shown on the attached plan, Sheet CT-5.01, dated February 13, 2014 and last revised March 2, 2015. This shall include but not be limited to winter snow and ice removal when deemed necessary. The Permit Holder is cautioned that all snow and ice removal shall be kept clear of the traveled portion of the State highway. Should any accumulation occur within the traveled way due to sidewalk maintenance, the Town shall clear the roadway immediately unless otherwise directed by the District Transportation Administrator.**

**The Town of Bennington and/or their assignees shall be responsible for winter maintenance and minor maintenance repair (e.g. potholes, crack sealing) along Emma Street (TH-124) in its entirety; beginning at the VT Route 7A traveled way and thence northerly. This includes any portion of said town highway that passes over lands held in fee and/or easement by the State of Vermont which is part of the functional roundabout but beyond the State highway traveled way. "Access maintenance" will include the removal of snow banks to provide corner sight distance and snow and ice removal along the road, as deemed necessary.**

**The Town of Bennington and/or their assignees shall be responsible for landscape maintenance within the center island of the roundabout (L.S. 32+75) constructed in the State right-of-way as part of the *Northside Drive Roundabout* (VT Route 7A) permit issued to BLS Bennington LC (VTrans Permit #38696) – see attached plan, Sheets CT-8.02 and CT-8.02, dated February 13, 2014 and last revised June 30, 2015.**

**Landscaping shall be limited to live natural materials (trees, shrubs, grass, plants, flower, etc.). There shall be no signs, planters, landscape rocks, fences or other objects without written approval via a 19 V.S.A. §1111 permit (State Highway Access and Work Permit.)**

**The Permit Holder is advised that the State of Vermont, through its Agency of Transportation, manages the VT7A (Northside Drive) highway right-of-way and retains the right – in its sole discretion – to remove or modify the improvements, including but not limited to landscaping, as it deems necessary for transportation purpose with no due compensation to the Town.**

Town of Bennington

Bennington, VT7A, L.S. 29+56 ~ 37+48 LT & RT

July 14, 2015

Page 2 of 3

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while maintenance work is being performed under this permit.

The Permit Holder shall ensure that all workers exposed to the risks of moving highway traffic and/or construction equipment wear high-visibility safety apparel meeting the requirements of ISEA (International Safety Equipment Association) "American National Standards for High-Visibility Safety Apparel," and labeled as ANSI (American National Standards Institute) 107-2004, or latest revisions, for Performance Class 2 or 3 requirements. **This includes, but is not limited to, landscaping maintenance activities within the center island of the roundabout.** A competent person - one designated by the Permit Holder – to be responsible for worker safety within the activity area of the State highway right-of-way and shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

**Independence; Liability:** The Permit Holder will act in an independent capacity and not as officers or employees of the State.

The Permit Holder shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Permit Holder or of any agent of the Permit Holder. The State shall notify the Permit Holder in the event of any such claim or suit, and the Permit Holder shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement, the Permit Holder may request recoupment of specific defense costs and may file suit in the Washington Superior Court requesting recoupment. The Permit Holder shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Permit Holder.

The Permit Holder shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Permit Holder.

**Insurance:** Before beginning any work under this Permit the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State for the duration of work under the Permit. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations. These are solely minimums that have been established to protect the interests of the State.

**Workers Compensation:** With respect to all operations performed under the Permit, the Permit Holder shall carry workers compensation insurance in accordance with the laws of the State of Vermont.

**General Liability and Property Damage:** With respect to all operations performed under the Permit, the Permit Holder shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations  
Products and Completed Operations  
Personal Injury Liability  
Contractual Liability

Town of Bennington

Bennington, VT7A, L.S. 29+56 ~ 37+48 LT & RT

July 14, 2015

Page 3 of 3

The policy shall be on an occurrence form and limits shall not be less than:

\$2,000,000 Per Occurrence

\$2,000,000 General Aggregate

\$2,000,000 Products/Completed Operations Aggregate

\$ 50,000 Fire/Legal Liability

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Automotive Liability: The Permit Holder shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Permit. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Town: BENNINGTON  
 Route: VT7A  
 Mile Marker: 0.56 - 0.71  
 Log Station: 29+56 - 37+48 LT 3 RT

## VERMONT AGENCY OF TRANSPORTATION 19 V.S.A. § 1111 PERMIT APPLICATION

Owner's/Applicant's Name, Address & Phone No. Town of Bennington 205 South St.,  
Bennington, VT 05201 Phone #: 802-442-1037  
 Co-Applicant's Name, Address & Phone No. (if different from above) \_\_\_\_\_

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)  
Route TA, North side Drive in vicinity of Emma Street.

Description of work to be performed in the highway right-of-way (attach sketch)

Maintenance of sidewalk bays constructed as part of roundabout project on Route TA in the vicinity of Emma Street in Bennington.

Property Deed Reference Book: \_\_\_\_\_ Page: \_\_\_\_\_ (only required for Permit Application for access)

Is a Zoning Permit required?

No  If Yes, # \_\_\_\_\_

Is a 30 VSA § 248 permit required?

No  If Yes, # \_\_\_\_\_

Is an Act 250 permit required?

No  If Yes, # \_\_\_\_\_

Other permit(s) required?

No  If Yes, name and # of each \_\_\_\_\_

Date applicant expects work to begin

20

Owner/Applicant: Stuart A. Hurd

Position Title: Town Manager

(Print name above)

Sign in Shaded area:

Stuart A. Hurd

Date: 21015

Position Title: \_\_\_\_\_

Date: \_\_\_\_\_

Co-Applicant: \_\_\_\_\_

(Print name above)

Sign in Shaded area:

Date: \_\_\_\_\_

### INSTRUCTIONS:

-Contact the Agency of Transportation, Utilities and Permits Unit (802-828-2653), One National Life Drive, Montpelier, VT 05633, or your local area Agency Transportation Maintenance District to determine your issuing authority.

-Contact the issuing authority to determine what plans and other documents are required to be submitted with your, under Vermont Statutes Annotated, Title 19, Section 1111, permit application.

-Complete this TA-210 Form (some information may not apply to you) and attach all necessary documents and submit it to the issuing authority. We require this application to be signed by the property owner or their legally authorized representative. Original signatures are required on an original TA 210 Form.

-The Owner/Applicant and Co-Applicant (if applicable) declares under the pains and penalty of perjury that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

-If you have any questions contact the issuing authority.

### PERMIT APPROVAL

This covers only the work described below: Permission is granted to work within the state highway right-of-way to provide continued maintenance of sidewalks within the VT7A right-of-way, maintain landscaping within the center island of the VT7A/Emma Street/Plaza Drive roundabout and provide winter maintenance on Emma Street. All work shall be in accordance with the attached plans and permit special conditions.

The work is subject to the restrictions and conditions on the reverse page, plus the Special Conditions stated on the attached page(s).

Date work is to be completed Continuous (see Special Conditions) Date work accepted: \_\_\_\_\_  
 By A. Hurd Issued Date July 14, 2015 DTA or Designee  
 Authorized Representative for  
 Secretary of Transportation

NOTICE: This permit covers only the Vermont Agency of Transportation's jurisdiction over this highway under Vermont Statutes Annotated, Title 19, Section 1111. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations.

No work shall be done under this permit until the owner/applicant has contacted the District Transportation Office at:

## RESTRICTIONS AND CONDITIONS

### DEFINITIONS:

"Agency" means the Vermont Agency of Transportation.

"Engineer" means the authorized agent of the Secretary of Transportation.

"Owner/Applicant" means the party(s) to whom the permit is to be issued.

"Co-Applicant" means the party who performs the work, if other than Owner/Applicant.

"Permit Holder" means the party who currently owns the lands abutting the highway that are the subject of the permit.

### GENERAL:

By accepting this permit, or doing any work hereunder, the Owner/Applicant agrees to comply with all of the conditions and restrictions and any imposed special conditions. If the Owner/Applicant is aggrieved by the restrictions and conditions or special conditions of the permit, they shall submit a written request for consideration to the Engineer prior to starting any work. No work will be authorized by the Agency, or performed under the permit, until the dispute is fully resolved.

Vermont Statutes Annotated, Title 30, Chapter 86 ("Dig Safe") requires notice to Dig Safe before starting excavation activities. The Permit Holder or his/her contractor must telephone Dig Safe at 811 at least 48 hours (excluding Saturdays, Sundays and legal holidays) before, but not more than 30 days before, starting excavation activities at any location. In addition, before excavation and/or pavement grinding in or on the state highway right-of-way, the Permit Holder's Contractor must contact the Agency's District Transportation Administrator to obtain/verify the location of Agency's underground utility facilities or to confirm the absence of such facilities.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the State Highway right-of-way. A copy of this permit and Special Conditions must be in the possession of the individual performing this work for the Permit Holder.

Except with the specific, written permission of the District Transportation Administrator, all work in the State highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15. These limitations will not apply for the purposes of maintenance, emergency repairs, or proper protections of the work which includes, but not limited to, the curing of concrete and the repairing and servicing of equipment.

The Owner/Applicant shall be responsible for all damages to persons or property resulting from any work done under this permit, even if the Applicant's Contractor performs the work. All references to the Owner/Applicant also pertain to the Co-Applicant. The Owner/Applicant must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.

The Owner/Applicant must, in every case where there is a possibility of injury to persons or property from blasting, use blasting mats and bags of sand, if necessary, to prevent the stone from scattering. All existing utility facilities shall be protected from damage or injury.

The Owner/Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night.

The Owner/Applicant shall not do any work or place any obstacles within the state highway right-of-way, except as authorized by this permit.

The Owner/Applicant may pay the entire cost of the salary, subsistence and traveling expenses of any inspector appointed by the Engineer to supervise such work.

The Engineer may modify or revoke the permit at any time for safety-related reasons, without rendering the Agency or the State of Vermont liable in any way.

In addition to any other enforcement powers that may be provided for by the law, the Engineer may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Engineer may physically close the work area and take corrective action to protect the safety of the highway users.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a minimum period of eighteen (18) months after final inspection by the District.

Any variance from approved plans is to be recorded on "as-built" with copies provided to both the Chief of Utilities and Permits and the District Transportation Administrator.

### ACCESS:

This permit (if for access) does not become effective until the owner/applicant records in the office of the appropriate municipal clerk, the attached "Notice of Permit Action"

As development occurs on land abutting the highways, the Agency may revoke a permit for access and require the construction of other access improvements such as the combination of access points by adjoining owners. Under Vermont Statutes Annotated, Title 19, Section 1111, no deed purporting to subdivide land abutting a state highway can be recorded unless all the abutting lots so created are in accordance with the standards of Section 1111.

The Permit Holder acknowledges and agrees that neither this permit nor any prior pattern of use creates an ownership interest or other form of right in a particular configuration or number of accesses to or through the highway right-of-way, and that the right of access consists merely of a right to reasonable access the general system of streets, and is not a right to the most convenient access or any specific configuration of access.

DRAINAGE:

The Owner/Applicant shall install catch basins and outlets as may be necessary, in the opinion of the Engineer, to preclude interference with the drainage of the state highway. Direct connections shall not be allowed without written approval.

### UTILITY WORK; CUTTING AND TRIMMING TREES:

The Owner/Applicant shall obtain the written consent of the adjoining owners or occupants or, in the alternative, an order from the State Transportation Board in accordance with, Vermont Statutes Annotated, Title 30, Section 2506, regarding cutting of or injury to trees.

In general, all utilities shall be located adjacent to the highway right-of-way boundary line and shall be installed without damaging the highway or the highway right-of-way. No pole, push-brace, guy wire or other aboveground facilities shall be placed closer than 10 feet to the edge of traveled-way. If the proposed utility facilities are in conflict with the above, each location is subject to the approval of the Engineer.

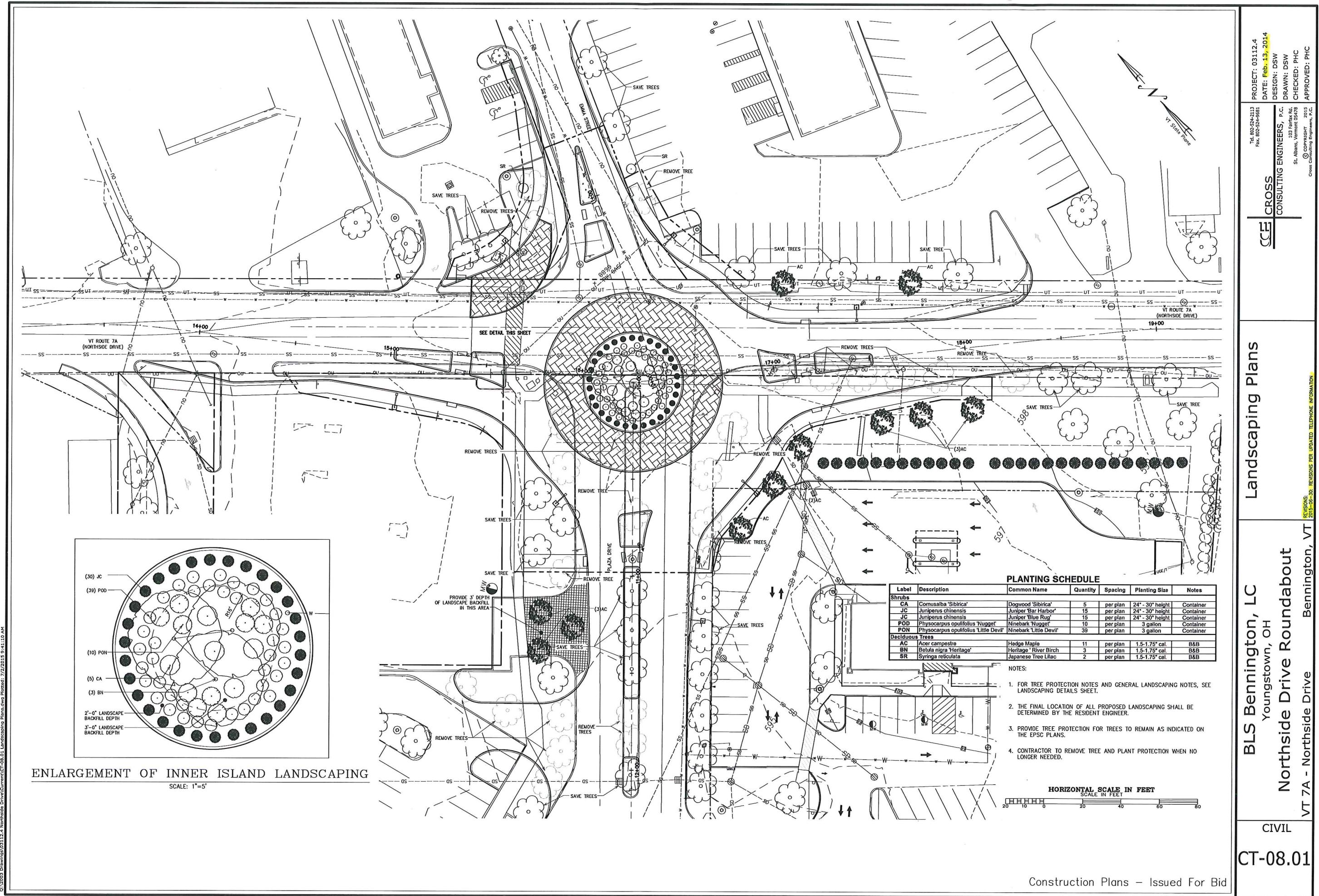
Poles and appurtenances shall be located out of conflict with ditches and culverts.

Where the cutting or trimming of trees is authorized by permit, all debris resulting from such cutting and trimming shall be removed from the highway right-of-way.

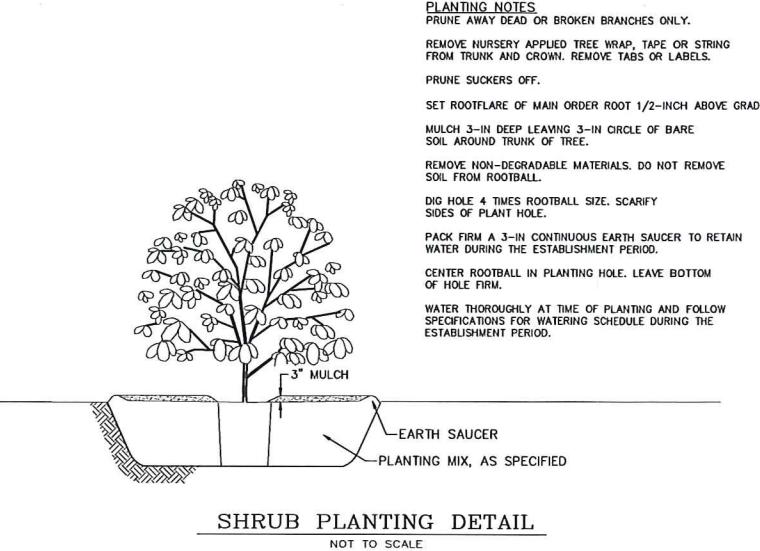
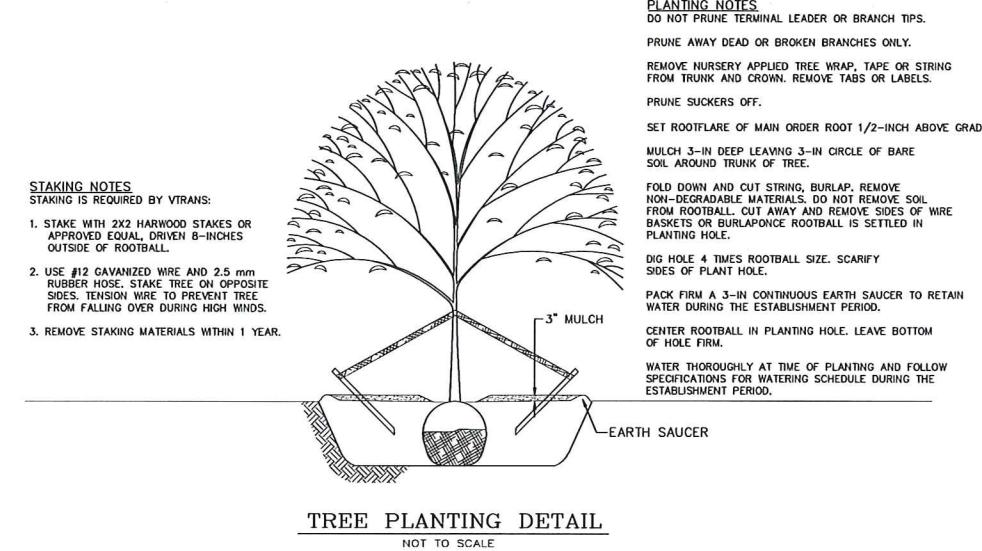
Open cut excavation for highway crossings is NOT the option of the Applicant, and may be utilized only where attempted jacking, drilling, or tunneling methods fail or are impractical. The Owner/Applicant shall obtain an appropriate modification of the highway permit from the Engineer before making an open cut.

### JOINT PERMITS:

A joint permit application is required when more than one party will be involved with the construction, maintenance, and/or operation of the facility being constructed under this permit. Examples include, but are not limited to, joint ownership or occupancy of a utility pole line and construction of a municipal utility line by a contractor. Both utility companies, and in the second case, the municipality and the contractor, must be joint applicants.



# LANDSCAPING DETAILS



BLS Bennington, LC	Landscaping Details
Youngstown, OH	
Northside Drive Roundabout	
Bennington, VT	
VT 7A - Northside Drive	
CIVIL	
CT-08.02	

PROJECT: 03112.4  
DATE: Feb. 13, 2014  
DESIGN: DSW  
DRAWN: DSW  
CHECKED: PHC  
APPROVED: PHC

103 Fairfax Rd.  
St. Albans, Vermont 05478  
© Copyright 2013  
Cross Consulting Engineers, P.C.

REVISIONS:  
06-10: REVISIONS PER UPDATED TELEPHONE INFORMATION